

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE, YANKTON  
SIOUX TRIBE; ROBERT FLYING HAWK;  
OGLALA SIOUX TRIBE,

Plaintiffs,

and

CHEYENNE RIVER SIOUX TRIBE; SARA  
JUMPING EAGLE ET AL.,

Plaintiff-Intervenors,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant-Cross Defendant,

and

DAKOTA ACCESS, LLC,

Defendant-Intervenor-Cross  
Claimant.

Case No. 1:16-cv-1534-JEB  
(and Consolidated Case Nos. 16-cv-  
1796 and 17-cv-267)

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**INTERVENOR DEFENDANT DAKOTA ACCESS, LLC'S  
MOTION TO EXTEND STAY OF RESOLUTION OF MOTION TO COMPEL  
PROMPT COMPLETION OF ADMINISTRATIVE RECORD**

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In accordance with the Court's April 15, 2019 Minute Order, Intervenor Defendant Dakota Access, LLC ("Dakota Access") respectfully moves the Court to extend the stay of resolution of Dakota Access's Motion to Compel Prompt Completion of the Administrative Record ("Motion to Compel"), D.E. 216, while Dakota Access continues to pursue the outstanding records through other means. The Minute Order requires Dakota Access to inform the Court on or before May 20, 2019 "whether it will withdraw the Motion, seek a further stay of the Motion, or ask for the Court to resolve it." Dakota Access continues to pursue many of the relevant records through a Freedom

of Information Act (“FOIA”) request to the Department of Justice, Department of the Army, Department of Interior, and Council for Environmental Quality. However, Dakota Access’s FOIA request to each is still in process. Dakota Access still has received no documents at all from three of these agencies, and, as noted previously, the fourth (the Department of the Army) has made a deficient production consisting solely of the original administrative record in this matter. Accordingly, Dakota Access respectfully requests that the Court further stay consideration of its Motion to Compel to allow time for processing Dakota Access’s FOIA request.

### CONCLUSION

For the foregoing reasons, Dakota Access respectfully requests that the Court grant its motion to extend the stay of resolution of its Motion to Compel.

Dated: May 20, 2019

Respectfully submitted,

/s/ William S. Scherman  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of May, 2019, I electronically filed the foregoing document using the CM/ECF system. Service was accomplished by the CM/ECF system.

/s/ William S. Scherman

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**IN THE UNITED STATES DISTRICT COURT  
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YANKTON SIOUX TRIBE; ROBERT  
FLYING HAWK; OGLALA SIOUX  
TRIBE,

Plaintiffs,

and

CHEYENNE RIVER SIOUX TRIBE,

Intervenor Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant,

and

DAKOTA ACCESS, LLC,

Intervenor Defendant.

Case No. 1:16-cv-01534-JEB  
[Consolidated with Case  
Nos. 1:16-cv-1796 and 1:17-cv-267]

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**[PROPOSED] ORDER GRANTING INTERVENOR DEFENDANT  
DAKOTA ACCESS, LLC'S MOTION TO EXTEND STAY OF RESOLUTION OF  
MOTION TO COMPEL PROMPT COMPLETION OF ADMINISTRATIVE RECORD**

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The Court orders that Intervenor Defendant Dakota Access, LLC's Motion to Extend Stay of Resolution of its Motion to Compel Prompt Completion of the Administrative Record ("Motion") is GRANTED.

Dakota Access, LLC shall update the Court by June 20, 2019 whether it will withdraw the Motion, seek a further stay of the Motion, or ask for the Court to resolve it.

**SO ORDERED** this \_\_ day of \_\_\_\_, 2019.

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The Honorable James E. Boasberg  
United States District Judge